

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIM. NO. 04-10010-PBS
)	
MATTHEW DWINELLS)	

ASSENTED-TO MOTION TO CONTINUE SENTENCING

The defendant Matthew Dwinells respectfully moves this Court for a continuance of the sentencing hearing in the above-captioned case. The sentencing is currently set for December 14, 2005. Counsel requests that the hearing be rescheduled to early February 2006.

As grounds for this motion, undersigned counsel states that she has retained a forensic psychologist to examine the defendant in preparation for this sentencing hearing. The psychologist was to have examined the defendant in late October. Counsel and the expert learned on the scheduled date of the exam that the expert would not be allowed to bring a laptop computer into the detention facility where the defendant is being held.¹ Consequently, the examination was not done. Counsel and the expert will again attempt to complete the evaluation, but the expert's schedule will not allow this to be done before early

¹ The computer was necessary because certain materials indispensable to the evaluation are on computer.

January. In addition, counsel needs additional time to respond to the first draft of the presentence report. The guidelines applicable to this case are complicated and not routine to counsel's practice. Because the defendant faces the prospect of a lengthy prison sentence, counsel wants enough time to make a thorough and thoughtful response to the initial draft of the report. For these reasons counsel requests that the sentencing hearing be reset for early February 2006.

Counsel has conferred with Assistant U.S. Attorney Donald Cabell regarding this motion for a continuance of the sentencing. Counsel represents that Mr. Cabell has no objection to this motion to continue the sentencing.

Respectfully submitted

By his attorney,

/s/ Syrie D. Fried

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